

## NOT VOTING—10

Akaka	Inhofe	Rockefeller
Ayotte	Lieberman	Toomey
Boozman	McCain	
Gillibrand	Paul	

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

PATENT REFORM ACT OF 2011—  
Resumed

Mr. LEAHY. Mr. President, I understand that the Senator from Colorado has an amendment that could be disposed of quickly and which is agreeable to both sides.

I yield to the Senator from Colorado. The PRESIDING OFFICER. The Senator from Colorado is recognized.

## AMENDMENT NO. 116

Mr. BENNET. Mr. President, I thank Chairman LEAHY, Senator GRASSLEY, Senator HATCH, and all of the members of the Judiciary Committee for their hard work on patent reform. Moving this bill forward has been a difficult task. I look forward to supporting the bill as we are in the process of amending it and improving it.

This legislation is critical for our economic growth if we are going to rebuild our economy and win the future. We need to make sure our patent system promotes research and development, investment, job creation, and global competitiveness.

This evening, I want to call up two amendments to this legislation that I believe address the need for efficiency and quality at the U.S. Patent and Trademark Office.

Mr. President, I call up amendment No. 116, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 116.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination)

On page 86, between lines 8 and 9, insert the following:

(1) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

Mr. BENNET. My first amendment, cosponsored by Senator AYOTTE, can help small businesses utilize the Patent Office's Track I program by reducing their fees for participating. Track I allows applicants to get their patent processed more quickly, but the cost can be burdensome for small entities. This amendment would reduce small business costs by 50 percent.

This Track I program will give applicants the opportunity for prioritized examination of a patent within 12 months of its filing date. On average, the pendency period for first action was 25.7 months in 2010 and 35.3 months for final disposition. By moving this process along for small businesses, we will stimulate business activity and create jobs.

The 50-percent discount is in line with other small entity filing fee discounts offered by the Patent and Trademark Office and will ensure startups and smaller inventors will be at a more level playing field in order to take advantage of Track I.

I encourage my colleagues to support my small business amendment at the appropriate time.

Mr. President, I yield to the chairman.

Mr. LEAHY. Mr. President, I appreciate the amendment of the Senator from Colorado. When it comes to a vote, I think it will probably be unanimous. I suspect there will not even be a requirement for a rollcall vote. It does have this mandatory reduction in fees for small businesses at the Patent Office. I know the Senator is a strong advocate for small business in Colorado. The Patent Office has a backlog of more than 700,000 applications that haven't yet had a first response. This hits small businesses and independent ventures particularly hard because they can least afford a delay in receiving their rights. They have done a lot to reduce that backlog, but they need this legislation to finish it. They have the fast track process, where applicants pay additional fees to cover the costs and the examiners work overtime. Not all small businesses can afford the fast track application fee, and the Senator from Colorado, Mr. BENNET, wisely recognized that not all can afford that.

His amendment will ensure that small businesses and independent vendors will receive a 50-percent reduction in the fee. When the time comes for a vote, I will strongly support the amendment. I suspect both sides will strongly support it. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. I thank the Senator from Vermont for his leadership and for his kind words about the amendment.

## AMENDMENT NO. 117

At this time, I ask unanimous consent to set aside the pending amend-

ment and call up my second amendment, which is currently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 117.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish additional USPTO satellite offices)

On page 104, between lines 22 and 23, insert the following:

## SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term “Patent and Trademark Office” means the United States Patent and Trademark Office.

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”.

Mr. BENNET. Mr. President, my amendment provides for the establishment of three regional satellite PTO